



Washington, D.C. 20505

JUL 17 2007

Brian Gaffney, Esq.
605 Market Street, Suite 505
San Francisco, CA 94105

Reference: F-2007-01308

Dear Mr. Gaffney:

We have received your 1 June 2007 letter concerning your 9 May 2007 Freedom of Information Act (FOIA) request on behalf of your client, the Institute for Policy Studies, for:

"All records related to the CIA's FOIA request #F-1999-00924, including the original FOIA request, all records released related thereto, and all other documents related to this FOIA request."

Specifically, you are appealing on the grounds that (1) CIA's failure to make a determination on IPS' request constitutes a de facto withholding as neither FOIA nor FOIA's regulations exempt the CIA from searching for responsive records when the information sought is the subject of pending litigation; and (2) the CIA improperly denied IPS' request for a waiver of all fees associated with this request.

We accept your appeal of our denial to grant you a fee waiver. We will begin the fee waiver appeal process and report the outcome as soon as possible.

Your 1 June 2007 letter also took issue with this office's determination to defer our processing and response pending the resolution of the underlying FOIA request, which is currently in litigation. Based upon your clarification, we have decided to proceed with processing your request for records relating to F-1999-00924. However, we cannot begin processing until the fee waiver appeal process is complete.

Meanwhile, we will hold your FOIA request in abeyance pending the processing of your fee waiver denial appeal.

Sincerely,

A stylized, blocky signature of Scott Koch.

Scott Koch
Information and Privacy Coordinator

